

ORIGINAL

BOARD OF SUPERVISORS OF ELECTIONS

ROCKVILLE, MARYLAND

POST-ELECTION WRAP-UP

SESSION I

Saturday, January 25, 2014

1 PARTICIPANTS:

2 Board Members:

3 LOIS NEUMAN, Chair

4 GRAHAM JOHNSON

5 BRIGITTA MULLICAN

6 STEPHEN WEINER

7 CAROL MILLMAN

8 Speakers:

9 JIM MARRINAN

10 BERYL FEINBERG

11 TOM MOORE

12 DENNIS CAIN

13 FRED NEWTON

14 JUDY MILLER

15 RICHARD GODFREY

16 CHRISTINA GINSBERG

17 VIRGINIA ONLEY

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## 1 P R O C E E D I N G S

2 CHAIR NEUMAN: Okay, good morning. Glad  
3 to see all of you here. We're nine minutes late.  
4 I apologize for that. We're audio recording, so  
5 we want to make sure that everything is working  
6 and we can have this record for posterity, I  
7 suppose.

8 We want to welcome you for coming and  
9 thank you for sharing part of your weekend with us  
10 to give us your feedback about the election 2013.  
11 I think all of you have signed in, and what I'm  
12 going to do is first introduce ourselves, have you  
13 introduce yourselves, and then I'll go through the  
14 protocol, if you will, for the procedures today,  
15 and then we will go ahead.

16 So, I am Lois Newman, and I am the  
17 Chair. Brigitta?

18 MS. MULLICAN: I'm Brigitta Mullican.

19 MS. MILLMAN: Carol Millman.

20 MR. JOHNSON: I'm Graham Johnson.

21 MR. WEINER: Stephen Weiner.

22 CHAIR NEUMAN: Now, let's have you

1 introduce yourselves, if you would. Pick a spot  
2 and go ahead and start. Go ahead.

3 MS. FEINBERG: Beryl Feinberg. Former  
4 candidate, City Council member.

5 MR. MERRINAN: Jim Marrinan.

6 MR. BARBER: If people don't speak into  
7 the mic, that's not going to be captured, so they  
8 need to go to the mic if you want them to do that.  
9 Thank you.

10 CHAIR NEUMAN: Okay, very good, thank  
11 you.

12 MR. BARBER: Thank you, council members.

13 CHAIR NEUMAN: Good point. You'll need  
14 to go to the -- oh, you're passing it around.  
15 Good. Thank you.

16 MS. FEINBERG: Carol Feinberg, former  
17 candidate, City Council member.

18 MR. MARRINAN: Jim Marrinan, former  
19 council member.

20 MR. MOORE: Tom Moore, City Council  
21 candidate.

22 MS. MILLER: Judy Miller.

1 MS. GINSBERG: Christina Ginsberg.

2 MR. NEWTON: Fred Newton, cooperative  
3 spouse.

4 (Laughter)

5 MR. CAIN: I'm Dennis Cain, and I was  
6 Bridget's treasurer.

7 CHAIR NEUMAN: Thank you all. Just so  
8 we're clear on what we're doing today, this is, in  
9 essence, a listening session for us. So, we won't  
10 have any responses. We will think about the  
11 information that you've given us individually, and  
12 then we will come collectively together as a board  
13 and see where we're going with all of your  
14 comments.

15 We have five minutes for each person,  
16 and we want to make sure that everybody gets  
17 heard. We don't have a huge number of people, but  
18 we're still going to keep everybody to five  
19 minutes. And if you have not already submitted  
20 written comments, we encourage you to do that.  
21 You can either submit them today or submit them at  
22 a later time, but sooner is better than later.

1           I wanted to mention to you that there is  
2   a President's Commission on Election  
3 - Administration that just came out on Thursday. It  
4   is a hundred-page document. You can get it on the  
5   website. The last 20 pages are endnotes, so they  
6   -- it's who they talked with, as well as  
7   references. But the 80 pages of content are  
8   wonderful, and if you are interested in election  
9   administration, which I take it you are or you  
10   wouldn't be here, I encourage you to read it.  
11   They also have a tool kit. An example would be  
12   being able to calculate how many workers we need  
13   in each polling place based on the number of  
14   people that vote in that polling place. So, it's  
15   worth a look at to see where we're going, and I'm  
16   going to keep -- we all should keep our eye out  
17   for any funding that we hope would come along with  
18   these recommendations.

19           We will have another listening session  
20   on Thursday, February, the 6th, from 7 to 9, so we  
21   try the weekend as well as the evening, and of  
22   course you're welcome to come to that.

1                   So, without further ado, I'm going to  
2    turn it over to all of you, and we are now  
3    listening and listening very intently to what you  
4    have to say.

5                   So, Jim Marrinan, you are first on the  
6    list. If you would come forward, please. Thank  
7    you.

8                   MR. MARRINAN: Okay, thank you. Thank  
9    you, Madam Chair and members of the Board.

10                  For the record, my name is Jim Marrinan.  
11    I live at 5 Oak Creek Court. I submitted  
12    comments, and I'm sure that you have them, and  
13    your heads are shaking.

14                               (Interruption)

15                  MR. MARRINAN: Sorry. I have six issues  
16    that I'd like to share with you.

17                  The first one deals with posting of  
18    election results. This past election, the posting  
19    of the election results occurred near midnight and  
20    without any notification of the cause or possible  
21    timeframe for the posting. In the past, posting  
22    occurred around 9:30, maybe 10 o'clock. There are

1 many so- called victory parties, and individual  
2 groupings expected a similar timeframe in this  
3 election. --Accuracy is prime, of course, but--  
4 timeliness is also important.

5 Some thoughts: Can partial results be  
6 posted? Can absentee ballots be counted before  
7 the polls close? And I believe that it can be  
8 unless corrected by staff.

9 CHAIR NEUMAN: If you would just go  
10 ahead, please.

11 MR. MARRINAN: Okay.

12 CHAIR NEUMAN: Thank you.

13 MR. MARRINAN: Can technical support by  
14 the County Board be improved? I believe it was a  
15 problem this time. Can the Board notify the  
16 city's Channel 11 if there are technical problems  
17 and give an estimate of the time when the results  
18 will be completed?

19 Second issue: The use of Richie Park  
20 Elementary School. This school is the only  
21 polling place in the city out of the ten, and the  
22 school is in session while we're voting. I think



1 it's an accident waiting to happen. I think  
2 there's also a security issue. People need to  
3 access restrooms. Therefore, they may be in the--  
4 body of the school. They may be a potential  
5 problem. I think the principal at the school --  
6 and this is secondhand from a Rockville police  
7 officer who said the principal did not want the  
8 school used again for city polling. I think an  
9 effort should be made to find another polling  
10 place for that polling district. I would suggest  
11 the Rockshire Homes has a meeting room. I believe  
12 the Latvian Lutheran Church on Hurley has room and  
13 parking. Just a couple of suggestions. But it  
14 really should be moved from the elementary school.  
15 Seeing all those little kids, the buses, the cars,  
16 I just felt very uncomfortable viewing that.

17 Moving on. The third one, which I  
18 consider very important, the involvement of  
19 partisan activities in Rockville's nonpartisan  
20 elections. In the past, the elected officials  
21 have not been present at the city's polling  
22 places. Very respected, nonpartisan status. Also

1 the use of city candidates, of partisan  
2 endorsements in their speeches, and of campaign  
3 literature should be avoided. Also, some city  
4 elected officials have allowed their names and  
5 titles to be used by partisan officials. In  
6 addition, most sitting city officials have not run  
7 for partisan offices but have resigned their seats  
8 or don't see reelection before becoming a partisan  
9 candidate. The mixing of partisan and nonpartisan  
10 clearly violates the history of our nonpartisan  
11 identity if not at least the spirit of the federal  
12 hat shack. Apparently, the city's current  
13 ordinance does not prohibit such activities. Can  
14 our election ordinance be revised to prohibit such  
15 activities or at least discourage them -- to ask  
16 our city attorney to review this issue and prepare  
17 a draft ordinance for the Mayor and Council's  
18 consideration.

19 CHAIR NEUMAN: Mr. Marrinan.

20 MR. MARRINAN: Oh, boy, I'm running  
21 late.

22 CHAIR NEUMAN: Yes.

1 MR. MARRINAN: The need to --

2 CHAIR NEUMAN: Mr. Marrinan?

~~3~~ MR. MARRINAN: The need to purge --

4 CHAIR NEUMAN: Am I on? Before you move  
5 onto your number 4 point --

6 MR. MARRINAN: Yes.

7 CHAIR NEUMAN: Could I interrupt you and  
8 ask you to stop at this point and --

9 MR. MARRINAN: I will, and I'll come  
10 back.

11 CHAIR NEUMAN: -- let everybody -- hold,  
12 and then you come back. Exactly. Thank you.

13 MR. MARRINAN: Sorry.

14 CHAIR NEUMAN: Not a problem. Not a  
15 problem at all.

16 Beryl Feinberg?

17 MS. FEINBERG: I actually would like to  
18 listen and then can I come back?

19 CHAIR NEUMAN: And put your name further  
20 down? Sure.

21 Tom Moore?

22 MR. MOORE: Thank you, Madam Chair and

1 members of the Board. My name is Tom Moore. I  
2 live at 11 Forest Avenue. I currently serve on  
3 the City Council and was a candidate in this  
4 previous election.

5 When the Board has held this session in  
6 the past, it's been more of a kind of roundtable  
7 discussion, so I only have five minutes of  
8 material to present to you.

9 Two things I can say off the bat: One  
10 of the major issues in the 2011 election was the  
11 campaign finance spreadsheets, the campaign  
12 reporting spreadsheets. They were a mess. And  
13 they were greatly improved this time, I think, by  
14 all accounts. I think there was one error, kind  
15 of a spreadsheet formula error, but beyond that  
16 they were much, much better. And to the extent  
17 that all the campaigns rely on volunteer  
18 treasurers -- it's not a very pleasant duty -- the  
19 fact that they did not have to wrestle with Excel  
20 this time was greatly appreciated all the way  
21 around. So, thank you for that.

22 An issue came up toward the end of the

1 campaign about anonymous literature that was  
2 brought to your attention. One thing that struck  
3 me as that process was going forward is that the  
4 Board didn't seem to have a good feel for its  
5 enforcement duties. You are the enforcers of  
6 election law in this city. All of us who are  
7 running campaigns and trying to run the cleanest  
8 campaigns we possibly can -- we depend on the  
9 Board to drain all the partisan activities'  
10 politics as much as possible out of the  
11 enforcement of this city's laws. I think we have  
12 a ways to go on that.

13 I look forward to the rest of this  
14 discussion. It would be -- this is a good way for  
15 you guys to gather information. It would be  
16 helpful at some point to -- the way we've done it  
17 before is kind of sit down, everyone in a circle,  
18 and candidates talk, Board talks, and we have more  
19 of a dialog on this. That has been very frequent  
20 in the past, so I think this format is useful, but  
21 I think that other format would be useful as well.

22 Thank you.

1 CHAIR NEUMAN: Thank you. I have a hard  
2 time reading the handwriting. Is it Mr. Cain, Ms.  
3 Cain?

4 MR. CAIN: Yup.

5 CHAIR NEUMAN: Thank you. Would you  
6 like to sign in, sir? Mr. Gotlieb, is that  
7 correct? Mr. Gotlieb, would you like to sign in,  
8 sir? Are you planning to speak or -- we would  
9 like your name on this.

10 MR. GODFREY: Okay.

11 CHAIR NEUMAN: Thank you. Are we ready?  
12 All right, please go ahead.

13 MR. CAIN: Go? I'm Dennis Cain. I live  
14 at 502 Carr Avenue. In the last campaign, I was  
15 treasurer for Bridget Newton. I want to make it  
16 clear that I'm not speaking on her behalf today.  
17 I'm speaking on my behalf, and I observed  
18 something at the election polls that I thought  
19 should be reported to you, and I'm doing that now.

20 The place where I worked at the polls  
21 was at the pool, and located there is a park bench  
22 as you enter the area of the pool where people

1 wait for buses and things of that sort. While I  
2 was there, one of the candidates went to his bag  
3 and brought out a sign, which you have seen --  
4 which you see before you. It's a bright yellow  
5 sign, and it was posted on the back of this park  
6 bench. And my first recognition of it -- it  
7 appeared that this was some instructions that were  
8 being posted, and I presumed instructions -- that  
9 this is what observers would see as they walk  
10 past. It looked like a sign giving instructions,  
11 and I thought it doesn't look like campaign  
12 literature, must be some directions from the  
13 election folks inside that are running the poll.  
14 And I didn't see an attribution line on it, so I  
15 took some pictures of it just so you'd be able to  
16 appreciate what was there.

17 If you go to the very last picture,  
18 you'll see at the very bottom there is an  
19 attribution line, almost invisible. It's  
20 certainly invisible to anyone walking past. And I  
21 consider this, unfortunately, to be an attempt to  
22 influence the vote of people that are heading in

1 for the polls. It was focused on the issue of  
2 five candidates, and there was a slate, as you  
3 know, of five candidates. and I think there should  
4 be a regulation imposed by you all on exactly how  
5 big the attribution line should be. I mean, the  
6 fact that it's not visible says there isn't one  
7 until -- you have to get up with a hand lens and  
8 read what's at the bottom of the sign. So, I'm  
9 concerned about that in particular.

10 I do think that the -- I spoke with the  
11 election judge, I guess is the title of the person  
12 responsible at the poll, and she said she had  
13 nothing to do with signs, which surprised me.

14 And I also spoke with her about an issue  
15 she raised with us, those of us that were out  
16 standing there handing out campaign literature,  
17 about the location of the signs, which excluded us  
18 from the immediacy of the polling entrance. The  
19 signs were posted at what I've measured since to  
20 be a little over 60 feet from the door, and she  
21 indicated to us that in fact we shouldn't be on  
22 that side of the street. She had some literature



1     that she had received in her guidance that  
2     indicated there should be three signs posted, two  
3     at 60 feet and one at about 80-feet, 85 feet --  
4     which is on the other side of the street. My only  
5     point in making that discussion with you is the  
6     fact that somebody should be looking at the  
7     material that's provided to the people that are  
8     running the polls so that they know exactly what's  
9     going on. She had an aerial photo of this area  
10    and the location of the three marked-in-red signs.

11               I guess those are the only issues I  
12    really wanted to raise with you. I don't think  
13    people should be influencing others' votes in any  
14    part of this process, and anything that in any way  
15    attempts to indicate what people should people  
16    should do in their voting habits -- I have a right  
17    to vote for one person or six persons or whatever.  
18    I guess I can't do six, can I, I can do five.  
19    But, you know, part of the process is independence  
20    for individuals to vote for whomever they choose.  
21    That's the way it works, and I think I've -- hope  
22    you have a chance to deal with this issue.

1 CHAIR NEUMAN: Absolutely.

2 MR. CAIN: Thank you.

3 CHAIR NEUMAN: I don't have the list  
4 anymore. If you would -- you can call the next  
5 name. Thank you.

6 MR. BARBER: Fred Newton.

7 MR. NEWTON: Good morning. First of  
8 all, thank you all for your service, as well as  
9 the other volunteers that helped with the election  
10 during the polling on the election day.

11 I don't have any prepared comments, but  
12 I have two thoughts that I think you may want to  
13 give some consideration to.

14 In the last election, there was an issue  
15 raised with your Board that suggested that there  
16 was inappropriate literature being circulated.  
17 And that's not what I'm here to talk about, but  
18 what I think you should consider is in the code  
19 looking at how dated that language is with respect  
20 to what constitutes a campaign committee.  
21 Ironically, that same week or within a week or so  
22 of the event in King Farm of something being

1     circulated, George Will wrote an editorial. It  
2     was published in the Washington Post, and it was  
3     basically suggesting that these rules where two or  
4     more and a very low level of money involved  
5     constitute a campaign committee are quite  
6     restrictive. And the thought occurred to me that  
7     Rockville should take a look and see when the last  
8     time, for example, that the dollar figure was  
9     revised and whether that's an appropriate dollar  
10    figure today to suggest that a campaign committee  
11    has been formed. I think there are people who --  
12    it could happen again that two people get together  
13    and spend X dollars and don't really realize maybe  
14    that there was a campaign committee that they  
15    formed. I don't think that was the case that King  
16    Farm issue that you looked at, but it's quite  
17    possible that that language is dated and that the  
18    dollar amount is dated and is something you might  
19    want to give consideration to -- just take another  
20    look at, so.

21               That's really all I have to say other  
22    than, again, thank you. I think the elections

1    went fairly smoothly, and we appreciate your  
2    service, because it doesn't happen without people  
3    behind the scenes doing the heavy lifting.  
4    Appreciate it.

5            CHAIR NEUMAN: Thank you.

6            MR. BARBER: Judy Miller?

7            MS. MILLER: Hello, and thank you for  
8    your service. I do appreciate it. I know how  
9    hard it is. I am rather surprised, though, that  
10   the city attorney is not here and has not been in  
11   prior meetings, because I think a lot of the  
12   problems are that we don't have a lot of good  
13   legal opinions or clearance on how to deal with  
14   our laws.

15           One in particular that came up was this  
16   anonymous literature, which we still have no  
17   answer on. There was this complaint that got very  
18   politicized, which I hate to see, and I'm not  
19   concerned about the complaints at all. I'm  
20   concerned about all the citizens and all the  
21   candidates and all the treasurers knowing what the  
22   law is. And if we don't have good legal advice

1    like, say, you get from the Maryland attorney  
2    general when you ask for something, you don't know  
3    what to do, and it really puts everybody in a very-  
4    bad state.

5               One of the things that did come up -- I  
6    want to talk a little bit about the anonymous  
7    literature. I think we might have to go into  
8    (inaudible) citizens united sometimes; you could  
9    also look at it the other way. But the referendum  
10   was the question. The referendum was legal to  
11   have some small amount of anonymous literature.  
12   The candidate, as the law says, was not; and the  
13   attorney never said it was unconstitutional. He  
14   never did an advisory opinion. And other  
15   jurisdictions appeared to have interpreted it just  
16   the way you have it in your code as being  
17   constitutional. And this issue still needs to be  
18   dealt with.

19              And that's something -- I know that we  
20   put in a huge list of things last time. There  
21   were three of us -- Christine, Rich Gottfried, and  
22   I -- and there are still a lot of questions that

1 need to be dealt with, with that, but many of them  
2 were really about updating our code, clarifying  
3 it, and making sure that when we ask a question  
4 that it is based on the law. And that's what it  
5 should be. And I want fairness. I don't want  
6 punitiveness. I don't want politicization. But  
7 that's what we truly need now.

8 I would just like to also talk perhaps a  
9 little bit more about having a roundtable. I  
10 mean, there are a few people here, and that's  
11 good, you know. But I really think maybe we need  
12 to advertise this a little bit more and put it  
13 into an informal procedure where we can all talk  
14 back and forth, get the city attorney here, get  
15 the clerks talking -- because I learn a lot from  
16 the clerks. These are some of the hardest working  
17 people that I ever have known, and, you know, I  
18 like to talk to you guys, too. We don't want it  
19 be out of control. I understand that. But I do  
20 think that this is a small place in many ways and  
21 small players in it and that we should open it  
22 back up, so I encourage you to do that.

1                   Thank you, and we'll put written  
2    comments, because usually I have my whole thing  
3    done. I was kind of surprised to look at the  
4    agenda yesterday and go "five minutes, oh, my  
5    goodness." So, thank you.

6                   CHAIR NEUMAN: Thank you.

7                   MR. BARBER: The next one would be  
8    Christina Ginsberg.

9                   MS. GINSBERG: Well, I think I'll pick  
10   off where Judy left off. My name is Christina  
11   Ginsberg. I live at 1204 Simmons.

12                   I've come before this Board several  
13   times, and as Judy said -- I was really surprised  
14   to learn from her yesterday that we were going to  
15   be limited to five minutes, because I received an  
16   invitation to be here from the city clerk, and it  
17   was not advertised as a pseudo-hearing. It was  
18   advertised -- or I was invited to a discussion or  
19   a roundtable.

20                   These roundtables in the past have been  
21   very successful, because they've allowed a  
22   give-and-take between the candidates, the Board,

1 and the city attorney; and four of you have never  
2 been to one of those roundtables, am I correct?  
3 But of course today, you're going to respond to  
4 anything, so how would I know. (Laughter) So, I  
5 think that this format in itself does not  
6 facilitate the purpose of this wrap-up, which is  
7 to allow the candidates to talk; to have the  
8 different factions talk to each other; to elicit  
9 information that maybe we don't that we know; to  
10 compare notes; to put things together. And I will  
11 say I'm very disappointed not to see the city  
12 attorney here today, especially considering the  
13 major issue of this election, which was the  
14 anonymous literature.

15 Now, I'm really very unhappy about how  
16 that was handled. You'll notice none of the  
17 people who were involved in defending that action  
18 are here today, because they got everything they  
19 wanted without having to go on the record. And  
20 that's not a situation that should be tolerated.  
21 The Board took legal advice in a closed session,  
22 and the resolution that was given to the person



1 who brought the complaint, Max Van Balgooy, was --  
2 basically what he told me is one sentence saying  
3 the matter has been disposed of.

4 Now, the attorney came before you and  
5 gave you advice but did not do it in a fashion  
6 that is normal practice for an attorney in this  
7 situation. She did not issue an advisory opinion  
8 that was open to public inspection. And that I  
9 find astonishing, because basically what she said  
10 is that the City of Rockville will not follow the  
11 same election protocols that every other  
12 jurisdiction in Maryland does. And Judy did  
13 follow up on that with the -- was it the county?

14 With the Maryland Attorney General's  
15 Office that the Supreme Court decision applied to  
16 referendum, not to literature directed at  
17 candidates. So, we're now left in this limbo  
18 where, because the city attorney did not follow  
19 normal protocol, we have no enforceable election  
20 law in that instance, because apparently it's  
21 whatever the city attorney comes and tells you in  
22 closed session. And I would say this also applies

1 to other issues. In the past, when we have talked  
2 to the city clerk on campaign issues, we have  
3 gotten a response within a few days, sometimes --  
4 within a few hours, and at that point, if at a  
5 later date there's something, you can point to  
6 that reply that you got from the city that says  
7 yes, this is reasonable or this isn't. At this  
8 point, when there is no response, there is no way  
9 -- let's put it this way: Somebody asks a  
10 question; they receive no response; they go ahead  
11 with something that is actually not legal; and at  
12 that point they have a get-out-of-jail-free card  
13 because you have never actually responded to their  
14 question. You cannot go back after the fact and  
15 say to people, oh, we don't feel like we did the  
16 right thing when they have asked you what the  
17 protocol is and there's no response.

18 And I know that your intention is to  
19 have the city attorney be responsive within a  
20 reasonable period, but I'm not real happy with  
21 what went on with this anonymous literature, which  
22 had my name on it without my permission, without

1 my consent; and certainly I would never sign my  
2 name to or be involved in what went on in that.  
3 And this situation is untenable.

4 Now, I have at least 10 issues here that  
5 should be talked about, and we're not going to get  
6 to talk about any of them, and I'm not going to  
7 get to hear anybody else's opinion on it, and I'm  
8 not going to get to hear your opinion because you  
9 don't want to talk to us today. And this is --  
10 I'm very disappointed that this is the way this  
11 meeting is going to go. Thank you.

12 MR. BARBER: Do you want to go back to  
13 the --

14 CHAIR NEUMAN: Are we at the bottom of  
15 the list? Is this the last --

16 MR. BARBER: Yes, ma'am.

17 CHAIR NEUMAN: Okay, why you don't you  
18 start back at the top.

19 MR. BARBER: Councilmember Feinberg?

20 MS. FEINBERG: Thank you. I'm Beryl  
21 Feinberg at 1200 Halesworth Drive.

22 First, I want to thank you all for your

1 time and efforts on behalf of running the  
2 election. Having been a member for seven years  
3— where you sit, I certainly know what goes into it,  
4 so I thank you very much.

5 A couple of things I want to say on a  
6 very positive note. One, I really -- while you  
7 directly did not do it, I did really enjoy, and  
8 thought was very beneficial for the candidates to  
9 have, the orientation session that the city was  
10 running. That was extremely helpful for  
11 candidates, for those who attended, and for a  
12 newbie-type candidate, as I was. But there are a  
13 couple of things I would suggest, starting with  
14 the petitions that you have to complete. As a  
15 newbie candidate, I would urge and ask that those  
16 forms be updated earlier. When I began to use  
17 them, only the old versions were first available,  
18 and there was confusion after I had garnered many  
19 of the signatures whether I was going to have to  
20 go back again, go out and get the signatures, and  
21 use the new form with the new dates. It's an easy  
22 fix. So, I'd just ask for your consideration that

1 the forms be on your website earlier and that  
2 there be some clarity if they're not ready and a  
3 potential candidate wants to go out, that they can  
4 use them, because it is -- as a newbie, you're not  
5 sure what's exactly right and not right. So,  
6 that's just an easy fix.

7 In terms of the debates, well, I know  
8 that not all of them are sponsored by the city and  
9 the Board of Elections. As a candidate from our  
10 perspective, they are so compressed in a short  
11 timeframe that it makes it an enormous burden, and  
12 so I ask for your consideration, some coordination  
13 with civic associations and the Rockville Chamber,  
14 who sponsored a debate, that we either have the  
15 city-sponsored ones earlier so it doesn't end up  
16 that you have two a week and that they are all  
17 compressed in such a short time period. It is  
18 really difficult. Almost everybody who is a  
19 candidate has other commitments, and while it is  
20 extremely important to participate, it's really  
21 physically taxing and almost humanly impossible to  
22 do all of them so well. Each of the other debates

1 has questionnaires you have to complete. They're  
2 all different questionnaires, and so I just ask  
3 for some coordination and some thinking about how  
4 we can improve the process.

5           On improving election turnout, I'd like  
6 to see there be some more outreach. I understand  
7 the limitations of the Board. Perhaps this could  
8 be a recommendation for other parts of the city to  
9 do more outreach; to get for voter registration  
10 education that there were charter questions on  
11 there; get more people registered where residents  
12 live, play, work whether it's at markets, whether  
13 it's at additional places. I know the Human  
14 Rights Commission does it, but I'd like to see us  
15 more engaged so we get more of a turnout and more  
16 knowledge about it. So, I ask for some more voter  
17 education and outreach -- and kind of expanding  
18 the mission of the Board.

19           Yeah, let's see. Oh, the last one I  
20 want to talk about quickly is the city's voter  
21 registration list -- and I understand where you  
22 get your data. But in door knocking, time after

1 time I would find, well, gee, you know, I would go  
2 to a house and someone would say to me, well, my  
3 adult daughter-or son hasn't lived in the house-  
4 for 15 years, and they are not really here. The  
5 impact of that is not only on door knocking, but  
6 it's how I found out about it, but is really on,  
7 when statistics are given, how many people voted  
8 excuse it. So, for your consideration and  
9 improvement, we really need to look at that issue  
10 on who is on the city's registration list for  
11 voting.

12 Thank you very much for your time.

13 CHAIR NEUMAN: Thank you.

14 MR. BARBER: Jim Marrinan.

15 MR. MARRINAN: Thank you, Doug. Sorry I  
16 took so long the first time, but --

17 CHAIR NEUMAN: Not at all.

18 MR. MARRINAN: -- let me pick up with  
19 this issue of the need to purge the city's voter  
20 registration list. It was announced that only  
21 16.5 percent of registered voters voted in the  
22 last election. This is a misleading statistic.

1 From personal knowledge, my two adult daughters,  
2 who haven't lived at home for many, many years and  
3 voted in the city elections for many, many years,  
4 still receive a sample ballot. I was under the  
5 naïve assumption that after you do not vote in  
6 four or five elections that you are purged.  
7 Obviously, that is not the case. There needs to  
8 be an explanation of how to remove people from the  
9 city's registration. And many of my friends have  
10 similar points.

11 I believe that there is a higher  
12 participation in our elections than 16.5 percent,  
13 and I think there needs to be a mechanism if the  
14 way you do it now is that only returned sample  
15 ballots is the way to do it. You've got to tell  
16 people that first. And, secondly, someone has to  
17 monitor it to make sure that it happens, that the  
18 County Board of Elections actually follows through  
19 and removes those names.

20 Moving on, the need to increase voter  
21 participation in city elections. Many registered  
22 voters do not vote in our elections because of a



1 lack of information and/or a lack of time. Many  
2 other jurisdictions in the United States have  
3 successfully implemented early voting options,  
4 including Montgomery County, to allow early voting  
5 at City Hall -- the only place -- on a weekend  
6 before our elections can be such a mechanism and  
7 implemented in a cost- effective manner. One day  
8 for limited hours it can be done noting that City  
9 Hall is now the place where you can -- same-day  
10 registration and vote. It would be an added  
11 burden on the city staff, but I think it's worth  
12 the effort to do that. And there are many other  
13 ways to increase electronic voting, but that's, I  
14 think at this point, far beyond what is possible.

15           Additionally, the staff should be asked  
16 to research the possibility of increasing  
17 candidate access to multifamily residents.  
18 Currently, such homes restrict access as a  
19 security matter. But some U.S. jurisdictions  
20 provide mechanisms to allow such access and  
21 discuss issues just like we do with single-family  
22 homes. Candidates come to the door and discuss

1 issues, introduce themselves, and whatever.

2 Moving on to my last issue, the

3 —increased responsibilities for this Board. With

4 the high probability that terms of office for city

5 officials will be increased from two to four

6 years, the role of the Board should be reviewed.

7 An expansion of responsibilities, including voter

8 education on the process for voting and candidate

9 behavior should also be considered, amongst other

10 things. A number of issues have been raised by

11 others today regarding that. It would be a

12 difficult thing to do, but if you're only going to

13 have elections every four years, why not expand

14 your responsibilities in anticipation of that.

15 I'd like to go back to the involvement

16 of partisan activities in the city. I believe

17 that if you allow partisan issues to creep into

18 our process, it dilutes the focus on city issues.

19 How many people actually know about the Rockville

20 Pike plan? How many people really focus on the

21 need for affordable housing? How many people are

22 looking at the senior citizens and their upcoming

1 retirements? There is a whole of issues that are  
2 city issues. We don't need other kinds of issues.

3       — On a personal note, when I was sitting  
4 on the City Council, I was approached by some of  
5 my friends noting my Irish heritage that we should  
6 have a resolution condemning the then troubles in  
7 Northern Ireland. I absolutely refused. I said  
8 we don't need to get involved in those kinds of  
9 issues.

10       I'll conclude my remarks by thanking you  
11 for your service. It's not an easy job you have.  
12 Thank you.

13       CHAIR NEUMAN: Thank you.

14       MR. MARRINAN: Take care.

15       CHAIR NEUMAN: We have -- we're done?  
16 Nobody else wants to -- yes.

17       MS. GINSBERG: Thank you. Sitting here  
18 and listening to this, I would ask that you  
19 perhaps amongst yourselves for the February 6  
20 session and consider having a more dynamic, open  
21 process that we had had before. I, too, lament  
22 the fact that we can't have an exchange with the

1 other people who are sitting here and with  
2 yourselves so we can get the feedback. So, I ask  
3 for your consideration and that for those at least  
4 who attended this, some of whom feel the same way,  
5 that we be at least communicated with if you are  
6 going to change your format for February 6,  
7 because each of us took the time to come tonight.  
8 So -- and including whether the city attorney will  
9 be here or not so we get some feedback from you  
10 whether you'd consider that for February 6.

11 And then, secondly, since we don't have  
12 that format tonight, I do want to echo my support  
13 about the early voting. I think that would be one  
14 excellent way for those people who are constrained  
15 by either their work hours, family commitments,  
16 whatsoever, be out of town, who may forget to ask  
17 for an absentee ballot in a timely manner, can't  
18 get to City Hall that day, that we perhaps do have  
19 an early voting the week before. I've  
20 participated in it an elections judge on the  
21 county side. I've seen it in operation. It's a  
22 wonderful vehicle to increase it.

1 Thank you for your consideration.

2 CHAIR NEUMAN: Is there anyone else who  
3 wishes to add? --Tom?

4 MR. MOORE: Thank you, Madam Chair.  
5 Just want to reinforce some things that have been  
6 said and respond to some other things that have  
7 been said.

8 I took a pretty close look at city law  
9 on anonymous contributions versus federal law,  
10 some of the Supreme Court decisions that have come  
11 down, and it seemed pretty clear to me that the  
12 last rewrite that we did on our election law was  
13 done -- it named the cases actually. I mean, it  
14 was done very, very carefully to thread the needle  
15 and basically say, look, federal law says  
16 anonymous contributions are okay for issue  
17 campaigns; it is not a free-speech violation to  
18 enact restrictions on anonymous contributions for  
19 candidate campaigns. And the basic difference if  
20 you read the decisions is, now, you can't corrupt  
21 an issue campaign. If I spend 10,000 bucks trying  
22 to legalize gay marriage in Maryland, gay marriage

1 is not going to corruptly, you know, look out for  
2 my interest once it's enacted. But if I were to  
3 spend \$10,000 anonymously helping a candidate  
4 without any public -- without any transparency,  
5 without any accountability, then that person could  
6 very much be in my pocket for the time that  
7 they're in office. I mean, there is a -- there's  
8 a real difference between those two campaigns, and  
9 it's been acknowledged in the courts. So, before  
10 you go too far in recommending changes in that  
11 section, I think the law's actually pretty good  
12 the way it is.

13 On the matter -- I want to respond real  
14 briefly to the matter of polling place signs. I  
15 was the author, proudly, of the sign that Mr. Cain  
16 mentioned. It was this -- it was -- basically the  
17 idea was -- the folks I was running with did want  
18 people to fill out their full ballots. We were  
19 responding to an effort by others in the campaign  
20 to bullet vote, encouraging voters to bullet vote.  
21 The idea that it's somehow improper to influence  
22 voters' behavior through political activities is

1 strange to me. It was done plenty before election  
2 day; it was done on election day totally with the  
3 rules. An election judge came out and took a look  
4 at this flyer and said, it has an attribution line  
5 on it, it is fine, it can stay. You know, there  
6 is -- there's -- I don't think there's an issue  
7 for the Board to look at with that. We don't have  
8 any kind of standard that attribution lines need  
9 to be legible from a distance. Certainly when  
10 you're driving by a yard sign, you don't need to  
11 be able to read the treasure line. The whole  
12 point is if you take a look at that document and  
13 study it, you can tell who it's from. That was  
14 the case with this document; it was the case with  
15 almost, almost without exception, every document  
16 that was done in this election.

17 So, I think -- oh, and the thing about  
18 cleaning up the voter rolls, we basically have a  
19 choice to make: Do we want to have, you know,  
20 voter turnout levels that look artificially low  
21 because we have a lot of people on the rolls who  
22 shouldn't be on the rolls, or do we want to

1 disenfranchise people? And that is the peril of  
2 cleaning up voter rolls, and we have seen, not so  
3 much in Maryland, not so much in Montgomery  
4 County, but in other areas of the country where  
5 scrubbing of voter rolls has disenfranchised  
6 certain folks disproportionately. It  
7 disenfranchises poor folks; it disenfranchises  
8 minority folks. It is something that -- the  
9 reason we don't do it is because I think we've  
10 decided we'd rather suffer with numbers that don't  
11 look so good rather than disenfranchising somebody  
12 who should be able to vote at the polls on  
13 election day. So, again, if you're going to take  
14 that up, I would ask you to keep that in mind.

15 And also about -- this format doesn't  
16 really allow for all of this. I do want to thank  
17 the Board for their service on this. We put you  
18 guys through a lot, and it is very much  
19 appreciated. And I do want to especially thank  
20 the clerks as well. I think Sarah works a 20-hour  
21 day on election day and the election went  
22 beautifully. It was -- the actual administration



1 election was absolutely without a hitch.  
2 Hopefully we can get to work on the timeliness of  
3 the results, which was something of an issue, but  
4 everything else was entirely smooth.

5 So, thank to you, and thank you to the  
6 clerks.

7 MS. ONLEY: Hi, I'm Virginia Onley, and  
8 I didn't prepare any written comments, but there  
9 are a couple of things that are on my radar for  
10 voting, and that's the earlier voting. I really  
11 would like us to open that up and come up with a  
12 mechanism where people can vote earlier. I like  
13 the suggestion of, you know, just one Saturday,  
14 you know, before the election to have people come  
15 to City Hall to give them an opportunity to vote.  
16 And I'd like us to put more emphasis on increasing  
17 the voter turnout. I've voted -- well, I won't  
18 tell you how many years I've voted, but I have  
19 voted in every election --

20 CHAIR NEUMAN: Forgive me, but I thought  
21 you were going to say, I'm not going to tell you  
22 how many "times" I voted. (Laughter)

1 MS. ONLEY: Well, I couldn't even count  
2 the number of times that I've voted. It's been --  
3 I will tell you this, though, when I first voted  
4 you had to be 21 to vote, so that tells you how  
5 long ago it was.

6 But it was just my patriotic duty to  
7 vote, and people don't feel that way anymore, and  
8 I don't know how we can jumpstart them. But I  
9 certainly would like for us to work, you know, as  
10 residents and as, you know, your body, to try to  
11 get people out to vote. I can't figure out what  
12 it is. You know, I worked with my neighbors. I  
13 did get my neighbors out this year with the  
14 absentee ballots. A lot of people that I live in  
15 the community with did that, so that -- but I  
16 pushed it. I actually handed them the absentee  
17 ballots and said listen, we need you to get out  
18 and vote. So, that made it more convenient for  
19 them, and a couple of them said, oh, thank you, I  
20 wasn't sure I could do that. But that was a  
21 mechanism that they could use and they really  
22 appreciated it. So, I'd -- you know, I'd like to

1 put a push on that.

2 I want to thank you for your  
3 organization. Actually, you're too organized --  
4 here, because I was expecting a roundtable where  
5 there would be more information exchanged, and I  
6 will come better prepared on -- I think February  
7 6th is the meeting. I'll take a look and see if  
8 there's anything that I feel I need to bring  
9 before you. But thank you so much for listening  
10 this morning.

11 CHAIR NEUMAN: Thank you. Is there  
12 anyone else who has additional thoughts or  
13 comments that they want to mention? Okay, we kept  
14 you an hour on a Saturday. We appreciate your  
15 being here. We understand, I think, what you said  
16 regarding this next session, and certainly we'll  
17 talk about it. If there's any change, we will get  
18 it out promptly. We feel we do the best we can to  
19 get information out to you. In fact, we can let  
20 you know the other way, conversely, if it stays  
21 the same. But certainly everybody is welcome to  
22 come. You may have new ideas now that you've

1 heard from each other, or you may have thought of  
2 something new. But absolutely come again. We  
3 want to be available, but we also want to get a  
4 sense of the issues so that we can then go  
5 forward, too.

6 So, if there's nothing else, then we  
7 thank you very much, and have a good rest of your  
8 weekend, and we'll be in touch.

9 (Whereupon, the HEARING was  
10 adjourned.)

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